

REGULAR MEETING

October 14, 1996

The Regular Meeting of the Annapolis City Council was held on October 14, 1996 in the Council Chamber. Mayor Hopkins called the meeting to order at 7:30 p.m. Alderman Tullier offered the invocation followed by the Pledge of Allegiance.

Present on Roll Call: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden, DeGraff, Moyer

Staff Present: City Attorney Goetzke, Acting Planning and Zoning Director Arason, Public Works Director Patmore, Personnel Director Davis

Alderman Snowden moved to approve the Minutes of September 9 and September 23, 1996. Seconded. CARRIED on voice vote.

Mayor Hopkins and Personnel Director Davis presented "Over 25 Years of Service Awards" to the following City employees:

Robert B. Eyster	Fire Department
George L. Ellis	Fire Department
August S. Wallace	Police Department
John B. Dorsey, Jr.	Public Works Department
Herbert C. Trott	Police Department

PETITIONS, REPORTS AND COMMUNICATIONS

1. Chris Keleher
131 Merryman Court
Annapolis, Md. 21403

Spoke regarding flooding problems at the City Dock.

2. Gil Renaut, President
Ward One Residents' Association
115 Monticello Avenue
Annapolis, Md. 21401

Spoke regarding the Annapolis Governmental Structure and Charter Revision Commission.

PUBLIC HEARINGS

(Continued from 9/23/96)

(Due to the observance of Yom Kippur on 9/23/96, the following public hearings remained open to allow those members of the Jewish faith to testify.)

1. **Application of the City of Annapolis Planning Commission for a zoning map amendment of annexed land for Bay House Partners to zone 11.29 acres at Bay Ridge Road and Edgewood Road to R2, Single Family Residence District; PM, Professional Mixed District; and B2, Community Shopping District.**

No one else from the general public spoke in favor of or in opposition to the application.

Mayor Hopkins declared the public hearing closed.

2. **O-20-96** For the purpose of amending the open space requirements for planned developments involving interior alterations to existing buildings; and all matters relating to said requirements.

No one else from the general public spoke in favor of or in opposition to the ordinance.

Mayor Hopkins declared the public hearing closed.

3. **O-26-96** For the purpose of amending Chapter 21.62, Historic District, to
 Revised include certain revisions authorized by the 1995 amendments to Maryland Annotated Code, Article 66B, Section 8.01 et. seq. with the intention that Chapter 21.62 as it exists, prior to the adoption of this ordinance, shall continue uninterrupted insofar as those provisions are repeated and re-enacted herein without change; and all matters relating to said chapter.

No one else from the general public spoke in favor of or in opposition to the ordinance.

Mayor Hopkins declared the public hearing closed.

4. **O-45-96** For the purpose of revising the definition of philanthropic and charitable institutions; providing that philanthropic and charitable institutions are allowed as conditional uses in the R1 district under certain circumstances; and all matters relating to said institutions.

No one else from the general public spoke in favor of or in opposition to the ordinance.

Mayor Hopkins declared the public hearing closed.

LEGISLATIVE ACTION

CHARTER AMENDMENTS

- CA-4-96** For the purpose of amending the Charter of the City of Annapolis to create the position of City Administrator, to define the qualifications, compensation, responsibilities, line of authority, powers and duties of the City Administrator, and to clarify certain powers and duties of the Mayor.

Alderman Tullier moved to adopt CA-4-96 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules and City Government Committee.

- CA-5-96** For the purpose of amending the Charter of the City of Annapolis to prohibit aldermen from interfering in the administration of the City, to provide sanctions for such interference and to preclude discipline against city employees in certain circumstances.

Alderman Snowden moved to adopt CA-5-96 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules and City Government Committee.

- CA-6-96** For the purpose of amending the Charter of the City of Annapolis to eliminate the term limitation for Mayor.

Alderman DeGraff moved to adopt CA-6-96 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules and City Government Committee.

- CA-7-96** For the purpose of amending the Charter of the City of Annapolis to abolish aldermanic committees and require that all business be conducted by the City Council as a whole; establishing that the City Council may appoint special temporary ad hoc committees under certain circumstances.

Alderman DeGraff moved to adopt CA-7-96 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules and City Government Committee.

- CA-8-96** For the purpose of amending the Charter of the City of Annapolis to establish a commission for the purpose of making a comprehensive study of the government of the city including the revision of the boundaries of the wards.

Alderman Snowden moved to adopt CA-8-96 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules and City Government Committee.

- CA-9-96** For the purpose of amending the Charter of the City of Annapolis to provide for non-partisan elections for the Mayor and Aldermen.

Alderman DeGraff moved to adopt CA-9-96 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules and City Government Committee.

- CA-10-96** For the purpose of amending the Charter of the City of Annapolis to grant the right of recall of the Mayor or any Alderman to the voters.

Alderman DeGraff moved to adopt CA-10-96 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules and City Government Committee.

ORDINANCES

- O-20-96** For the purpose of amending the open space requirements for planned developments involving interior alterations to existing buildings; and all matters relating to said requirements.

Alderman Hammond moved to adopt O-20-96 on second reading. Seconded.

The Rules and City Government Committee reported favorably on O-20-96.

The main motion CARRIED on voice vote.

Alderman Hammond moved to adopt O-20-96 on third reading. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier,
Snowden, DeGraff, Moyer
CARRIED: 8-0

O-26-96 For the purpose of amending Chapter 21.62, Historic District, to include
Revised certain revisions authorized by the 1995 amendments to Maryland Annotated
Code, Article 66B, Section 8.01 et. seq. with the intention that Chapter 21.62
as it exists, prior to the adoption of this ordinance, shall continue
uninterrupted insofar as those provisions are repeated and re-enacted herein
without change; and all matters relating to said chapter.

Alderman Snowden moved to adopt O-26-96 Revised on second reading.
Seconded.

The Rules and City Government Committee reported favorably with amendments
on O-26-96 Revised.

Alderman DeGraff moved to amend O-26-96 Revised as follows:

Amendment No. 1:

On Page 3, line 4, strike "OF THE CITY".

Amendment No. 2:

On Page 3, lines 15 - 16, strike beginning with "OF ANNAPOLIS" through and
including "OF AMERICA".

Amendment No. 3:

On Page 6, line 5, immediately following "SIGNIFICANCE OR" insert "THE
LOCATION OF".

Amendment No. 4:

On Page 8, line 13, insert "OF LANDMARKS, SITES, STRUCTURES AND
DISTRICTS" after "DESIGNATION"; line 14, strike "APPROVAL OR
DISAPPROVAL" and substitute "CONSIDERATION"; lines 18-19, strike "MAY
ALSO" and insert "SHALL"; line 19, strike "SUCH" and insert "THE"; lines 19-20,
strike, "OR" and insert "AND".

Amendment No. 5:

On Page 19, line 20, strike "BUILDING INSPECTOR" and substitute "PLANNING
AND ZONING DIRECTOR".

Amendment No. 6:

On Page 23, line 35, add a new section as follows and renumber "SECTION IV" on
line 36 as "SECTION V":

**SECTION IV: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE
ANNAPOLIS CITY COUNCIL** that the purpose of repealing and re-enacting Chapter
21.62 rather than to abrogate its existing provisions is strictly for clarity and
convenience of drafting. The existing powers, duties and responsibilities of the
Historic District Commission shall continue as those of the Historic Preservation
Commission as specifically defined and revised by this ordinance. As of the
effective date of this ordinance, references to the Historic District Commission
contained in other chapters of the City Code shall be construed to refer to the

Historic Preservation Commission. All prior decisions and actions of the Historic District Commission shall remain in full force and shall continue to be binding. All matters pending before the Historic District Commission at the time this ordinance becomes effective shall be considered by the Historic Preservation Commission under the provisions of Chapter 21.62 as revised by this ordinance.

Seconded. CARRIED on voice vote.

Alderman Johnson moved to amend O-26-96 Revised as follows:

On page 8, line 38, strike "AT LEAST FIVE" and insert "THE"; in lines 39-43, strike "NO MORE.....THIS SECTION.", and on page 9, lines 7 and 8, strike "WHO RESIDE IN THE CITY OF ANNAPOLIS".

Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer
NAYS: Aldermen Tullier, Snowden, DeGraff, Moyer
DEFEATED: 4-4

Alderman Hammond moved to amend O-26-96 Revised as follows:

On 8, line 37, strike "SEVEN" and substitute "FIVE"; on page 9, line 27, strike "OF THE INITIAL APPOINTMENTS"; on page 9, lines 28-30, strike "THREE MEMBERS...SO THAT"; on page 9, line 30, strike "THREE" and substitute "TWO".

Seconded. DEFEATED on voice vote.

Alderman Snowden moved to adopt O-26-96 Revised as amended on second reading. Seconded. A ROLL CALL vote was taken:

YEAS: Aldermen Tullier, Snowden, DeGraff, Moyer
NAYS: Mayor Hopkins, Aldermen Hammond, Johnson
ABSTAIN: Alderman Gilmer
CARRIED: 4-3-1

Alderman Snowden moved to adopt O-26-96 Revised as amended on third reading. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Tullier, Snowden, DeGraff, Moyer
NAYS: Aldermen Hammond, Johnson
ABSTAIN: Alderman Gilmer
CARRIED: 5-2-1

- O-31-96** For the purpose of restricting parking on certain streets, on certain days during certain hours to allow street sweepers to clean those streets; to allow residential parking permit holders on those streets to park without charge in the Noah Hillman Garage in conjunction with the said parking restrictions; and all matters relating to said parking restrictions.

There being no voiced objection, O-31-96 was postponed to the November 4, 1996 meeting.

- O-37-96** For the purpose of establishing a program for the collection of recyclable materials from commercial establishments; and all matters relating to said recycling program.

There being no voiced objection, O-37-96 was postponed to the November 4, 1996 meeting.

- O-45-96** For the purpose of revising the definition of philanthropic and charitable institutions; providing that philanthropic and charitable institutions are allowed as conditional uses in the R1 district under certain circumstances; and all matters relating to said institutions.

Alderman DeGraff moved to adopt O-45-96 on second reading. Seconded.

The Rules and City Government Committee reported unfavorably on O-45-96.

The main motion was DEFEATED on voice vote.

- O-49-96** For the purpose of authorizing a deed of easement to legitimize an encroachment of property located at 165 Main Street into the City sidewalk right-of-way at 165 Main Street; and all matters relating to said deed of easement.

Alderman Tullier moved to adopt O-49-96 on second reading. Seconded.

The Finance Committee reported favorably on O-49-96.

The main motion CARRIED on voice vote.

Alderman Snowden moved to adopt O-49-96 on third reading. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier,
Snowden, DeGraff, Moyer
CARRIED: 8-0

- O-50-96** For the purpose of clarifying certain provisions relating to the maintenance and use of city owned vehicles; and all matters relating to said provisions.

Alderman Snowden moved to adopt O-50-96 on second reading. Seconded.

The Finance Committee reported favorably on O-50-96.

The main motion CARRIED on voice vote.

Alderman Tullier moved to adopt O-50-96 on third reading. Seconded. CARRIED on voice vote.

- O-51-96** For the purpose of ensuring the safety of the public and passengers who engage the services of taxicab drivers holding a license in the City of Annapolis; authorizing the director of parking and transportation to adopt, promulgate and enforce regulations related to alcohol and drug use by licensed taxicab owners and drivers in the City of Annapolis; and all matters relating to said regulations.

Alderman Snowden moved to adopt O-51-96 on first reading. Seconded. CARRIED on voice vote.

Referred to the Economics Matters Committee.

- O-52-96** For the purpose of allowing members of the police department participating in the public safety pension plan to have normal service retirement after completing twenty years of active service and attaining age fifty; and all matters relating to said public safety pension plan.

Alderman Tullier moved to adopt O-52-96 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules and City Government and Finance Committees.

O-56-96 For the purpose of establishing that the Personnel Director shall adopt and promulgate rules and regulations governing personnel matters; revising the duties of the Civil Service Board; and all matters relating to said rules and regulations.

Alderman Tullier moved to adopt O-56-96 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules and City Government Committee.

O-57-96 For the purpose of establishing that the Central Services Officer shall adopt and promulgate policies and procedures to implement a centralized purchasing and procurement process; and all matters relating to said process.

Alderman Tullier moved to adopt O-57-96 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules and City Government and Finance Committees.

O-58-96 For the purpose of transferring conditional use approval authority from the Annapolis City Council to the Board of Appeals; and all matters relating to said authority.

Alderman Tullier moved to adopt O-58-96 on first reading. Seconded. CARRIED on voice vote.

Referred to the Planning Commission and Rules and City Government Committee.

O-59-96 For the purpose of transferring subdivision plat approval authority from the City Council to the Planning Commission; and all matters relating to said authority.

Alderman Johnson moved to adopt O-59-96 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules and City Government Committee.

O-60-96 For the purpose of establishing a zoning classification of R2 Single Family Residence District, B2 Community Shopping District and PM Professional Mixed Office District for the Bayhouse Partners Property Annexation, for the property generally located on the southwest side of Bay Ridge Road at its intersection with Edgewood Road, contiguous to the existing boundary of the City of Annapolis; and all matters relating to said zoning map amendment.

Alderman DeGraff moved to substitute O-60-96 Revised for O-60-96. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Tullier, Snowden, DeGraff, Moyer

CARRIED: 7-0

Alderman Snowden moved to adopt O-60-96 Revised on first reading. Seconded. CARRIED on voice vote.

Alderman Snowden moved to suspend the rules to dispense with the second reading on O-60-96 Revised. Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt O-60-96 Revised on third reading. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Tullier, Snowden,
DeGraff, Moyer
CARRIED: 7-0

O-61-96 For the purpose of creating the position of City Administrator; and all matters relating to said position.

Alderman Snowden moved to adopt O-61-96 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules and City Government Committee.

O-64-96 For the purpose of requiring that all appointees to the Board of Appeals and Planning Commission shall appear before the City Council prior to confirmation; revising certain duties of the Planning Commission; and all matters relating to said board and commission.

There being no voiced objection, O-64-96 was postponed to the November 4, 1996 meeting.

RESOLUTIONS

R-29-96 For the purpose of establishing the Historic Preservation Certificate of Approval application fees; and all matters relating to said fees.

Alderman Snowden moved to adopt R-29-96. Seconded. CARRIED on voice vote.

R-44-96 For the purpose of endorsing the application and approving the project for the development of rental housing for elderly individuals with low income to be located on Edgewood Road in the City of Annapolis; for the purpose of providing a State of Maryland Community Development Administration tax credit to First Centrum Corporation, Inc. and Homes for America, Inc. in the development of this project; and all matters relating to said development.

Alderman Snowden moved to adopt R-44-96. Seconded.

There being no voiced objection, on page 2, line 5 immediately following "Annapolis" the following language was added:

"provided that, during the period that such development fully complies with the standards promulgated by CDA of Maryland DHCD".

The main motion CARRIED on voice vote.

BUSINESS AND MISCELLANEOUS

1. Housing and Community Development Committee Minutes of 9/25/96

Alderman Snowden moved to approve the Housing and Community Development Committee Minutes of 9/25/96. Seconded. CARRIED on voice vote.

2. Finance Committee Minutes of 10/4/96

Alderman Snowden moved to approve the Finance Committee Minutes of 10/4/96. Seconded. CARRIED on voice vote.

3. Payment of Monthly Bills

Alderman Snowden moved to pay the monthly bills. Seconded. CARRIED on voice vote.

4. Appointments

Alderman Snowden moved to confirm the Mayor's appointments/reappointments of the following named persons as set forth in Memoranda from Mayor Alfred A. Hopkins dated 10/2/96 and 10/3/96:

Board of Appeals:

Honora W. Sutor
Joseph Sachs
Judith Billage

Environmental Commission:

Robert P. Schnabel

Human Relations Commission:

Nora Palacios Earl

Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 9:10 p.m.

**Patricia L. Bembe, CMC/AAE
City Clerk**